

**BCI objects to certain of Sysmex's redactions to Exhibit 1**

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

- - - - -x  
SYSMEX CORPORATION and :  
SYSMEX AMERICA, INC., :  
Plaintiffs, : Civil Action No.  
v. : 19-1642-RGA-CJB  
BECKMAN COULTER, INC., :  
Defendant. : Volume I  
- - - - -x

Videotaped remote deposition of Masanori Imazu  
September 27, 2021  
2007 UTC

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Job No.: 1094064

Pages: 1 - 70

Reported By: Alan H. Brock, RDR, CRR

1 A. Yes. 17:31

2 Q. Are there any documents of which you are 17:31  
3 aware that would indicate that you are the one who 17:31  
4 conceived of an automatic way to clean blood cells 17:31  
5 in a measurement device? 17:31

6 A. No, I don't recall any documents that 17:32  
7 indicates that fact. 17:32

8 Q. Okay. Sir, let me show you a document that 17:32  
9 was provided to us by Sysmex as part of the legal 17:32  
10 proceeding, and it's entitled Plaintiff Sysmex 17:32  
11 Corporation's Second Supplemental Responses to 17:32  
12 Beckman Coulter, Inc.'s First Set of Interrogatories 17:32  
13 No. 1. It should be on the share box. And I'd like 17:32  
14 to show you a couple of pages from this document. 17:33

15 THE VIDEOGRAPHER: Counsel, do you have 17:34  
16 a name that I can refer to? 17:34

17 MR. MUELLER: Yeah. It's SCorp's Second 17:34  
18 Supplemental Rog. Response No. 1. And let's mark it 17:34  
19 as Exhibit 171. 17:34

20 (DDX Exhibit 171 marked for 17:34  
21 identification.) 17:35

22 Q. Do you see Defendant's Exhibit 171, Mr. 17:35  
23 Imazu? 17:35

24 A. Yes, I can see it. 17:35

25 Q. And I'd like to refer you first to Page 4 17:35  
\_\_\_\_\_

1 of the document, which is a supplemental response -- 17:35  
2 or a second supplemental response. 17:35

3 And do you see the third sentence, which 17:36  
4 says, "The named inventors of the '350 and '351 17:36  
5 patents, Takaaki Nagai, Noriyuki Narisada, Daigo 17:36  
6 Fukuma, and Masanori Imazu, were all involved with 17:36  
7 and worked together in the development of the 17:36  
8 XE-5000"? 17:36

9 A. Yes, I see the sentence that shows what you 17:37  
10 said. 17:37

11 Q. Do you agree with that statement? 17:37

12 A. When you say "that statement," are you 17:37  
13 referring to the sentence that you just referred to 17:37  
14 earlier? 17:37

15 Q. Yes. Do you agree with the sentence, "The 17:37  
16 named inventors of the '350 and '351 patents, 17:37  
17 Takaaki Nagai, Noriyuki Narisada, Daigo Fukuma, and 17:37  
18 Masanori Imazu, were all involved with and worked 17:38  
19 together in the development of the XE-5000"? 17:38

20 A. Yes. 17:38

21 Q. Do you also agree with the next sentence, 17:38  
22 that "Mr. Imazu was the team leader until sometime 17:38  
23 during the summer/early fall of 2006"? 17:38

24 A. Yes. 17:39

25 Q. Do you agree with the next sentence, that 17:39  
\_\_\_\_\_

1 "Mr. Imazu's contributions included development and  
2 work on the body fluid mode functionality and  
3 operation in the XE-5000"?

4 A. I'm sorry, can you actually point to which  
5 sentence that was again?

6 THE INTERPRETER: Shall I point to him,  
7 as an interpreter?

8 MR. MUELLER: Yes.

9 A. Yes, I agree.

10 Q. Do you also agree that "Mr. Nagai took over  
11 as the leader of the XE-5000 development team at the  
12 time"?

13 MR. SOBIERAJ: Objection to the form of  
14 the question, lack of foundation.

15 I'm sorry, I withdraw my objection.

16 A. Yes, I agree.

17 Q. And so, to summarize, you agree that Mr.  
18 Nagai took over as the leader of the XE-5000  
19 development team sometime in the summer/early fall  
20 of 2006? Is that right?

21 A. Yes, that is my recollection.

22 Q. Now, did you continue to work on the  
23 XE-5000 team after Mr. Nagai took over as the leader  
24 of the development?

25 A. Actually, no. Once I left the position as  
[REDACTED]

1 the leader of the XE-5000 project, I also left the  
2 project as well.

3 Q. Did you continue to check in from time to  
4 time to see how the team was doing?

5 A. No, I don't remember doing such a thing.

6 Q. Now, you see in the next sentence where the  
7 statement is made that Mr. Nagai's contributions  
8 included measurement time considerations in the  
9 XE-5000 in connection with work on the body fluid  
10 measurement functionality?

11 A. Yes, I see that sentence.

12 Q. Do you recall Mr. Nagai working on  
13 measurement time considerations in connection with  
14 the body fluid measurement functionality while you  
15 were the team leader?

16 A. Whether Mr. Nagai was involved in any way  
17 in terms of the time consideration in connection  
18 with the functionality of the body fluid measurement  
19 mode I don't remember.

20 Q. But you don't recall that Mr. Nagai was  
21 working on measurement time considerations on the  
22 body fluid measurement functionality while you were  
23 the project leader; correct?

24 MR. SOBIERAJ: Objection to the form of  
25 the question.

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Continued videotaped remote deposition of  
Masanori Imazu  
September 28, 2021  
1955 UTC

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Job No.: 1094080

Pages: 71 - 151

Reported By: Alan H. Brock, RDR, CRR



1 answer.

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MR. SOBIERAJ: Objection, lack of foundation.

A. Can you repeat the names of the three people again, please?

Q. Sir, referring to the last page of

Defendant's Exhibit 173:

MR. SOBIERAJ: Objection, lack of

foundation.

A. No, because I do not remember about this attachment file, as far as who these three people are listed on the bottom of this page, I am not able to answer.

Q. In 2005, when you would have received this communication, you would not have believed these



1 individuals to have been employees of Sysmex Corp.; 16:19  
2 correct? 16:19

3 MR. SOBIERAJ: Objection, lack of 16:20  
4 foundation and form. 16:20

5 A. I wasn't able to understand your question 16:20  
6 too well, so can you repeat it again, please? 16:20

7 Q. Do you believe that when you received this 16:20  
8 email and attachment in 2005 you would have 16:20  
9 understood the authors of the attachment to have 16:21  
10 been employees of Sysmex Corp.? 16:21

11 MR. SOBIERAJ: Objection, lack of 16:21  
12 foundation and form. 16:21

13 A. Well, I do not remember about this email 16:22  
14 and the attachment file, I do not know about these 16:22  
15 three people, and therefore I am not able to answer. 16:22

16 Q. So your testimony today is that you have no 16:22  
17 recollection of [REDACTED]? 16:22

18 A. Yes, that is correct. I do not know -- I 16:23  
19 do not know this person, [REDACTED]. 16:23

20 Q. And you also do not know [REDACTED]? 16:23

21 A. Yes, that is correct. I do not know this 16:23  
22 person, [REDACTED]. 16:23

23 Q. And you have no recollection of 16:23  
24 [REDACTED]? 16:23

25 A. Yes, that is correct. I have absolutely no 16:24  
[REDACTED]

1 recollection.

16:24

2 Q. And the same with [REDACTED]? I presume

16:24

3 you have no recollection of [REDACTED]?

16:24

4 A. Yes, that is correct. I do not know this

16:24

5 person, [REDACTED].

16:24

6 Q. Is it also your testimony that you have no

16:24

7 recollection of [REDACTED]?

16:24

8 A. Yes, that is correct. I do not have any

16:25

9 recollection of this [REDACTED]

16:25

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

16:25

16:25

16:25

13 MR. SOBIERAJ: Objection, lack of

16:26

14 foundation.

16:26

15 A. Right, I do not know this [REDACTED]

16:26

16 Q. And you would not have known who [REDACTED]

16:26

17 [REDACTED] was in 2005? Is that your testimony?

16:26

18 A. Since I have absolutely no recollection of

16:27

19 this name [REDACTED], I am not able to answer.

16:27

20 Q. And the attachment in Defendant's Exhibit

16:27

21 173 does not refresh your recollection at all; is

16:27

22 that correct?

16:27

23 A. That is correct. I have no recollection of

16:27

24 [REDACTED].

16:28

25 Q. But you do have a recollection of a [REDACTED]

16:28

1 (DDX Exhibit 178 marked for 21:58  
2 identification.) 21:59

3 MR. SOBIERAJ: Is there also a 21:59  
4 translation? 21:59

5 MR. MUELLER: Yeah, I think those were 21:59  
6 marked. Or -- 21:59

7 THE VIDEOGRAPHER: I just uploaded them. 21:59

8 Q. Have you had a chance to review Exhibit 22:00  
9 178, Mr. Imazu? 22:00

10 A. Yes, I can see it right now. 22:00

11 Q. This is an email from you? 22:00

12 A. Yes, I can confirm that my name is listed 22:00  
13 in the "from" section. 22:00

14 Q. And the email is dated January 31st, 2014; 22:00  
15 correct? 22:01

16 A. Yes, I can confirm that in the "sent" 22:01  
17 section the date is listed as January 31st, 2014. 22:01

18 Q. Can you also confirm that the email 22:01  
19 reflects your understanding of why you should have 22:01  
20 been named an inventor on what became the patents- 22:01  
21 in-suit? 22:01

22 A. Yes, I can confirm that that is what is 22:02  
23 described in here. 22:02

24 Q. And can you read into the record beginning 22:03  
25 at the fifth line down through the ninth line of the 22:03  
[REDACTED]

1 email?

22:03

2 A. When you say the fifth line, which part do

22:03

3 I start with?

22:03

4 Q. If I could read Japanese, I would tell you.

22:03

5 The text that begins after the

22:03

6 hyperlink.

22:03

7 A. So that will be the sentence right -- that

22:04

8 follows right after the link; right?

22:04

9 Q. Correct.

22:04

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Q. Now, is the explanation --

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MR. SOBIERAJ: Wes, I think we're over the amount of available time you have. I'll allow you to ask a few more questions, but then we need to --

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MR. MUELLER: I'm going to try -- I'll try and wrap it up. Thanks, counsel.

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Q. Now, my question, Mr. Imazu, is whether the explanation that you just read from Exhibit 178 is consistent with your recollection of your contribution to the conception of the subject matter of the '350 and '351 patents?

16

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MR. SOBIERAJ: Objection to the form of the question.

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A. Not that I remember the specifics of this email. But I believe overall they are consistent, and that is my recollection.

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MR. MUELLER: And let me ask the court reporter to quickly move over Exhibit JJ and mark that as Exhibit 179.

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MR. SOBIERAJ: I'm not going to -- we're over the time limit, counsel. I'm not going to